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Special Assistant Attorneys General for Defendants
Oregon Health Insurance Exchange Corporation and the
State of Oregon

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

ORACLE AMERICA, INC., a Delaware
Corporation,

CV No.: 3:14-cv-01279-BR

Plaintiff,

JOINT STATUS REPORT

v.

**THE OREGON HEALTH INSURANCE
EXCHANGE CORPORATION, dba
COVER OREGON**, an Oregon public
corporation; **THE STATE OF OREGON**,
BY AND THROUGH THE OREGON

**HEALTH AUTHORITY AND THE
OREGON DEPARTMENT OF HUMAN
SERVICES, AND DOES 1-25,
INCLUSIVE,**

Defendants.

JOINT STATUS REPORT

Plaintiff Oracle America, Inc. (“Oracle”) and defendant the State of Oregon (the “State”), by and through the Oregon Health Authority (“OHA”), the Oregon Department of Human Services (“DHS”), and the Oregon Department of Consumer and Business Services (“DCBS”) (as successor to the Oregon Health Insurance Exchange Corporation), submit the following Joint Status Report as directed by the Court’s November 18, 2015 Order:

1. The State, by and through OHA and DHS, intends to take an appeal of the Court’s November 18, 2015 Opinion and Order (Dkt. 156) denying its motion for summary judgment (Dkt. 92) and granting Oracle’s cross-motion for summary judgment (Dkt. 104). Pursuant to the collateral order doctrine, the Court’s Opinion and Order on these motions is a “final decision” under 28 U.S.C.A. § 1291 and the State, by and through OHA and DHS, may file an appeal without any further action by the Court. The State, by and through OHA and DHS, will file a notice of appeal on or before December 17, 2015.

2. Oracle intends to take an appeal of the Court’s November 18, 2015 Opinion and Order granting the State’s, by and through DCBS, motion for judgment on the pleadings (Dkt. 142). Oracle believes that the Court of Appeals may exercise pendant jurisdiction over its appeal based on its jurisdiction over OHA and DHS’s appeal. In the interest of eliminating any uncertainty about whether Oracle’s appeal may proceed in tandem with the OHA and DHS appeal, however, Oracle requests that pursuant to Federal Rule of Civil Procedure 54(b) the Court enter final judgment with respect to Oracle’s claim against DCBS. The State, by and through DCBS, does not oppose this request. In an abundance of caution, and to avoid confusion regarding the proper timing for filing its notice of appeal, Oracle asks the Court to enter that final

judgment before December 17, 2015, which would be the deadline for filing a notice of appeal were Oracle to seek to directly appeal based on a pendant jurisdiction analysis.

3. The parties propose that all further case scheduling matters be deferred until the appeals are resolved.

DATED this 7th day of December, 2015.

LANE POWELL, P.C.

ELLEN ROSENBLUM, ATTORNEY
GENERAL FOR THE STATE OF OREGON

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ECF CERTIFICATION

The filing attorney attests that he has obtained concurrence regarding the filing of this document from the signatories to this document.

DATED this 7th day of December, 2015.

s/ Harry B. Wilson

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